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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,009	08/10/2001	Kenneth Gabriel Heiser	HEISE R - 01	7281

7590 10/27/2005

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EXAMINER

HAILU, TADESSE

ART UNIT PAPER NUMBER

2173

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/928,009	Applicant(s) HEISER, KENNETH GABRIEL	
	Examiner Tadesse Hailu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the AMENDMENT submitted on August 19, 2005 for the patent application (09/928, 009).
2. The Drawing amendment submitted on October 3, 2005 has been considered and entered.
3. The amendment to the Specification submitted on August 19, 2005 has been considered and entered.
4. The Affidavits submitted on October 3, 2005, have been considered, entered and overcome the applied art. However, a new Office action follows hereby.

Claim Objections

5. Claims 7, 9, and 10 are objected to because of the following informalities: The current claim status indicator for each of the above claims shows (Previously Presented). This is incorrect, because the claims are amended. Thus, the proper status indicator should be (Currently Amended). Appropriate correction is required.

Claim 8 is objected to because of the following informalities: claim 8 was canceled (also see Remarks) by the Applicant's submitted Amendment dated March 9, 2005. It is still a canceled claim, thus not considered. Appropriate correction is required.

Claim Rejections - 35 USC § 112

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites "said software program" in page 4, lines 3-4 and 6- 7. There is insufficient antecedent basis for this limitation in the claim. Claim 6 recites "The software program method" in page 4, line 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by "American Wills Created Online," webpage [http: www. Willworks. Com](http://www.Willworks.Com), 1998. (Hereinafter "The website").

With regard to claim 1:

The website discloses a method of automatically generating a will document as claimed in the current invention.

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The website providing a user with a plurality of input screens (5 screens, pages 1 through 5) to be filled sequential and logical order, wherein said screens include an initial screen for selecting different level of complexity, for example the first screen illustrates personal information entry including name, address, martial status and children, based on the entry of the first screen information, the method will furnish the next (second) entry screen. When the user has completed filling the entry of all the required screen (5 of them), then the method automatically create a Will document to the user

With regard to claim 2:

The website further discloses preventing user to jump to another screen before filling all the required (indicated by different color) entry fields (see the screen shot pop-up messages).

With regard to claims 3 and 9:

The website also discloses step by step screen data entering/filing, that is, each screen information leads to another related screen information, for example in the first screen if married status is selected, then the coming next screen, may present a screen comprising spouse information, whereas if a user is single, the next screen information will be related to a single person.

With regard to claims 4 and 10:

The website discloses up to five screen information presented to the user (see pages 1 to 5).

With regard to claim 5:

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The website discloses five screen information, where the first screen is directed to a personal information which includes a plurality of information fields including name, address, marital status and children. Once the user is identified in the first screen that is if married, with children or single, the next screen will be less complex. For example, if user selects single in the first screen, the next screen is directed to single person information, not children or spouse information, it becomes less complex than the previous screen information.

With regard to claim 6:

The website, based on the user information inputted, finally will generate the will document (see sample package by clicking *Sample Package* link in page 1).

With regard to claim 7:

The website also discloses a method of effecting an interactive process for generating a will document using a computer. The website also discloses providing an initial data entry (that is personal information screen, the first screen) wherein a user selects between two or more levels of data entry question complexity (that is, in the first screen, the user who fills the will form has to enter the appropriate answer, that is, answer for name, children, and married, single, or engaged.)

CONCLUSION

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 –

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7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

9. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu
Art Unit 2173
10/21/05

A handwritten signature in black ink, appearing to read "Tadesse Hailu", is written over a horizontal line.